

REMARKS

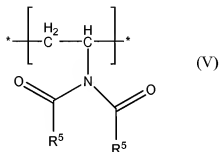
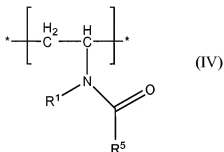
Claims 1-19 are now in the application. By this Amendment, claims 1, 6, 7, 10-13, and 15-18 have been amended. Independent claims 1 and 7 have been amended to remove the feature N-vinylamine. As set forth on page 4, lines 22-31, of Applicants' disclosure, vinyl lactams are preferred embodiments for claim feature (b). No new matter has been added.

Claims 10-13 and 15-18 have been objected to over informal matter. Claims 10-13 and 15-18 have been amended as suggested in the Office Action. In addition, claim 6 has been amended to correct an informality.

Claims 1, 3, 6, 10, 11, and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,458,348 to Tropsch et al. in view of *In re Wertheim*. Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tropsch in view of U.S. Patent No. 6,482,392 to Zhou et al. Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tropsch in view of U.S. Patent No. 6,040,406 to Carrier et al. Claim 12 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tropsch in view of U.S. Patent No. 5,712,339 to Guerin et al. Claims 5, 7, 9, 15, 16, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tropsch in view of U.S. Patent No. 5,922,776 to Wellenhoff et al. Claims 8 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tropsch in view of Zhou and in further view of Guerin. Claim 19 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tropsch in view of Zhou and in further view of Carrier.

Independent claims 1 and 7 recite, among other features, a polymer comprising (a) from 30 to 98 mol% of styrenesulfonic acid, (b) from 2 to 40 mol% of an N-vinyl lactam, and (c) from 0 to 30 mol% of free-radically polymerizable monomers, wherein the mol% is based on the total molar amount of all monomer units present in the polymer, and the sum of (a), (b), and (c) totals 100 mol%. At least these features cannot reasonably be considered to be suggested by the applied citations.

The Office Action relies on Tropsch's disclosure at col. 9, line 28, for a suggestion of a polymer comprising from 0 to 99% N-vinylpyrrolidone. However, Tropsch suggests, at col. 3, lines 31-45, that the polymers disclosed therein comprise units of formulae IV and /or V as essential structure elements.



These structure elements are present in an amount of at least 1 mol%. Accordingly, the polymers suggested in Tropsch cannot reasonably be considered to suggest a feature corresponding to the sum of (a), (b), and (c) totals 100 mol% because Tropsch requires the presence of a monomer having formulae IV or V, in addition to the monomers considered to correspond to (a), (b), and (c).

The remarkable advantages of an biocide in accordance with the claimed subject matter are exemplified by example 2 on page 9, which sets forth that in a test run with a biocide comprising N-vinylpyrrolidone as monomer (b) no increase in microbe count was detected in a sample kept at room temperature for three (3) months! A skilled artisan would not have predicted such superior results from a polymer that does not comprise the essential structure elements of Tropsch.

The Office Action relies on Zhou for suggesting stabilizing a dispersion ionically, on Carrier for suggesting a water-dispersible polymer with a polydispersity of 2.06, on Guerin for suggesting acetoacetoxyethyl methacrylate, and on Wellinghoff for suggesting spray drying. However, Zhou, Carrier, Guerin, and Wellinghoff are not applied in a manner to cure the deficiencies of Tropsch discussed above.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

If the Examiner believes an interview may be helpful in further prosecution of this application the undersigned is available at the telephone number set forth below.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 12810-00042-US1 from which the undersigned is authorized to draw.

Dated: December 11, 2008

Respectfully submitted,

Electronic signature: /Georg M. Hasselmann/
Georg M. Hasselmann

Registration No.: 62,324
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant